

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
THE LAKES AT THE PRESERVE CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for The Lakes at the Preserve Condominium (the "Declaration") and the Bylaws of The Lakes at the Preserve Condominium Owners Association, Inc. (the "Bylaws"), Exhibit C to the Declaration, were recorded at Mahoning County Records O.R. 2762, Page 118. et seq., and

WHEREAS, Section 5311.05(E)(1) of the Ohio Revised Code, as amended on July 20, 2004, authorizes the Board of Directors, without a vote of the Owners, to amend the Declaration "to bring the Declaration in compliance with this Chapter," and

WHEREAS, the Board of Directors approved the following matters to be modified (the "Amendments") in order to bring the Declaration into compliance with Ohio Revised Code Chapter 5311, and

WHEREAS, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for The Lakes at the Preserve Condominium have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for The Lakes at the Preserve Condominium is hereby amended by the Board of Directors as follows:

- (1) All references in the Declaration and Bylaws to the term "Common Areas" or "Common Areas and Facilities" shall be replaced with the term "Common Elements."
- (2) All references in the Declaration and Bylaws to the term "Limited Common Areas" or "Limited Common Areas and Facilities" shall be replaced with the term "Limited Common Elements."
- (3) All references in the Declaration and Bylaws to the term "Board of Trustees" shall be replaced with the term "Board of Directors."
- (4) All references in the Declaration and Bylaws to the term "Fines" shall be replaced with the term "Enforcement Assessments."

(5) DELETE DECLARATION ARTICLE VIII, entitled "Agent for Service," in its entirety. Said deletion is to be made on Page 17 of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq.

INSERT a new DECLARATION ARTICLE VIII, entitled "Agent for Service." Said addition, to be made on Page 17 of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq., is as follows:

ARTICLE VIII

Agent For Service

The person to receive service of process for the Association shall be as designated by the Board. This designation will be accomplished by filing with the Ohio Secretary of State the required statutory agent designation form.

(6) INSERT a new 2nd PARAGRAPH to DECLARATION ARTICLE XX, SECTION 2, entitled "Enforcement." Said new addition, to be added on Page 37 of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(12), the Board shall have the authority to impose interest and administrative late fees for the late payment of Assessments; impose returned check charges; and, in accordance with the procedure outlined in Ohio Revised Code Section 5311.081(C)(1), impose reasonable enforcement Assessments for violations of the Declaration, the Bylaws, and the rules of the Association, and reasonable charges for damage to the Common Elements.

(7) INSERT a new 2nd SUBPARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 7, PARAGRAPH 3. Said new addition, to be added on Page 27 of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(1)(b), the Association has a lien upon each Unit's ownership interest for any

unpaid interest, administrative late fees, enforcement Assessments, and collection costs, attorney's fees, and paralegal fees.

(8) INSERT a new 3rd PARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 5, entitled "Special Individual Unit Assessments." Said new addition, to be added on Page 26 of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(2), the Association shall credit payments made by a Unit Owner in the following order of priority:

- (1) First, to interest owed to the Association;
- (2) Second, to administrative late fees owed to the Association;
- (3) Third, to collection costs, attorney's fees, and paralegal fees incurred by the Association; and
- (4) Fourth, to the principal amounts the Unit Owner owes to the Association for the common expenses or enforcement Assessments chargeable against the Unit.

(9) INSERT a new PARAGRAPH 7 to DECLARATION ARTICLE XV, SECTION 7, entitled "Effect of Nonpayment of Assessment: Remedies of Association." Said new addition, to be added on Page 27 of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq., is as follows:

7. In accordance with Ohio Revised Code Section 5311.081(B)(18), when a Unit Owner is delinquent in the payment of Assessments for more than thirty (30) days, the Board may, by a majority vote, suspend the voting privileges of the owner and/or right of the occupants to use the recreational facilities.

(10) INSERT a new 4th PARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 5, entitled "Special Individual Unit Assessments." Said new addition, to be added on Page 26 of the Bylaws, Exhibit C of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(15), the Board may impose reasonable charges to the Unit Owner for providing copies of the Declaration, Bylaws or amendments thereto as

well as reasonable charges for the handling of re-financing and/or resale documentation, and/or statements of unpaid Assessments.

(11) INSERT a new DECLARATION ARTICLE III, SECTION 18, entitled "Owner/Resident Information." Said new addition, to be added on Page 12 of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq., is as follows:

18. Owner/Resident Information. In accordance with Ohio Revised Code Section 5311.09(A)(2) and (3), each Unit Owner shall, within thirty (30) days of the recording of this Amendment or within thirty (30) days of title transferring to the Unit Owner, provide to the Association the Unit Owner's and/or all occupants' names, home and business mailing addresses, home and business telephone numbers, and the name, business address and business telephone number of any person who manages the Unit as an agent of that Owner. Any change in the information shall be provided to the Board, in writing, within thirty (30) days of said change.

(12) DELETE BYLAWS ARTICLE V, SECTION 5.01 entitled "Number, Qualification and Initial Board," in its entirety. Said deletion is to be made on Page 5 of the Bylaws, Exhibit C of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq.

INSERT a new BYLAWS ARTICLE V, SECTION 5.01, entitled "Number and Qualification." Said addition, to be made on Page 5 of the Bylaws, Exhibit C of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq., is as follows:

Section 5.01 Number and Qualification. The affairs of this Association will be managed by a Board of not less than three and nor more than nine Directors, each of whom must be a Unit Owner or the spouse of a Unit Owner. That notwithstanding, no one (1) Unit may be represented by more than one (1) person on the Board at any one (1) time.

(13) INSERT a new 3rd SENTENCE to the end of BYLAWS ARTICLE VI, SECTION 6.01, entitled "Regular Meetings." Said new addition, to be added on Page 7 of the Bylaws, Exhibit C of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.08(A)(4)(a), any Board meeting may be held in person or by any method of communication, including electronic or telephonic communication, provided that each Board member can hear, participate and respond to every other Board member.

(14) INSERT a new PARAGRAPH (o) to BYLAWS ARTICLE VII, SECTION 7.02, entitled "Specific Powers and Duties." Said new addition to be added on Page 9 of the Bylaws, Exhibit C of the Declaration, as recorded at Mahoning County Records, O.R. 2762, Page 118 et seq., is as follows:

(o) In accordance with Ohio Revised Code Section 5311.081(B), in addition to all other powers enumerated herein, the Board may exercise all powers of the Association, including the power to do the following:

(i) Hire and fire attorneys, accountants, and other independent contractors and employees that the Board determines are necessary or desirable in the management and/or operation of the Condominium Property and the Association;

(ii) Commence, defend, intervene in, settle, or compromise any civil, criminal, or administrative action or proceeding that is in the name of, or threatened against, the Association, the Board, or the Condominium Property, or that involves two or more Unit Owners and relates to matters affecting the Condominium Property;

(iii) Grant easements, leases, licenses, and concessions through or over the Common Elements;

(iv) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit Owners;

(v) Enter a Unit for bona fide purposes when conditions exist that involve an imminent risk of damage or harm to Common Elements, another Unit, or to the health or safety of the occupants of that Unit or another Unit;

(vi) Purchase insurance and fidelity bonds the Board considers appropriate or necessary; and

(vii) Invest excess funds in investments that meet standards for fiduciary investments under Ohio law.

(15) Any conflict between the above provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of the above amendments. Upon the recording of these amendments, only Unit Owners of record at the time of such filing shall have standing to contest the validity of these amendments, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendments.

IN WITNESS WHEREOF, the said The Lakes at the Preserve Condominium Owners Association, Inc. has caused the execution of this instrument this 7th day of July, 2009.

THE LAKES AT THE PRESERVE CONDOMINIUM
OWNERS ASSOCIATION, INC.

By: Frank Joy
FRANK JOY, its President

STATE OF OHIO)
) SS
COUNTY OF MAHONING)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Lakes at the Preserve Condominium Owners Association, Inc., by Frank Joy, its President, who acknowledged that he did sign the foregoing instrument, on Page 7 of 8, and that the same is the free act and deed of said corporation and the free act and deed of him personally and as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Springtown, Ohio, this 7th day of July, 2009.

Melissa M. Wright
NOTARY PUBLIC



MELISSA M. WRIGHT
NOTARY PUBLIC
STATE OF OHIO
My Comm. Expires
February 5, 2011

This instrument prepared by:
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